

REMARKS

Claims 1-4 are amended and new claim 17 is added. Support for the Amendment is found, for example, on pages 11-12 of the present specification. Accordingly, upon entry of the Amendment, claims 1-17 will be all of the claims pending in the application.

II. Claim Rejection under 35 U.S.C. § 103

Claims 1-13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aylward et al in view of Yamashita et al.

Applicants respectfully traverse the rejection and submit that the cited references do not teach or suggest the present invention for the reasons set forth in the Response filed on November 2, 2005, which is incorporated herein.

Initially, in response to the Examiner's comments in the Office Action dated December 2, 2005 regarding the data in the specification, Applicants submit that the information in Tables 2 and 3 does not need to be in a Rule 1.132 Declaration because it is from the specification and, since the Declaration and Power of Attorney filed with the application contains the language from 18 USC § 1001, the specification is equivalent to a Rule 132 Declaration in regard to the weight to be given to experimental evidence contained therein.

Further the sphere-corresponding diameter of the silver halide emulsion of each of sample Nos. 119 and 122 shown in Example 1 of the present specification is 0.72 μm , which is closer to the value of 0.7 μm recited in claim 1 than 0.75 μm , which is the sphere-corresponding diameter of the silver halide emulsion disclosed in the Aylward patent. Comparison among sample Nos. 119 to 121 and comparison among sample Nos. 122 to 124 clearly show that even a sphere-corresponding diameter closer to 0.7 μm than the sphere-

corresponding diameter of the silver halide emulsion disclosed in the Aylward patent is insufficient to provide the effect of the present invention. Each of the gradation (γ) values of sample Nos. 120 and 121 is higher than that of sample No. 119 in either exposure method. Moreover, each of the sensitivity change (ΔS) values of sample Nos. 120 and 121 is lower than that of sample No. 119 in either exposure method. Similar results are also seen in comparison among sample Nos. 122 to 124.

These results show that it would be difficult to replace the sphere-corresponding diameter of the silver halide emulsion disclosed in the Aylward patent, or 0.75 μm , with a value of 0.7 μm or less. Moreover, the patent does not at all suggest that a sphere-corresponding diameter of a silver halide emulsion of 0.7 μm or less can provide the effect of the present invention. Therefore it is not necessary for Applicants to test 0.000 000 001 microns.

In view of the above, Aylward et al and Yamashita et al fail to teach or suggest the presently claimed invention, whether taken alone or in combination. Accordingly, Applicants respectfully request withdrawal of the rejection.

II. Response to Rejection under 35 U.S.C. § 112, 2nd Paragraph

Claims 2-4 are rejected under 35 U.S.C. § 112, 2nd paragraph, as allegedly being indefinite. Specifically, the Examiner states that claims 2-4 do not further limit independent claim 1.

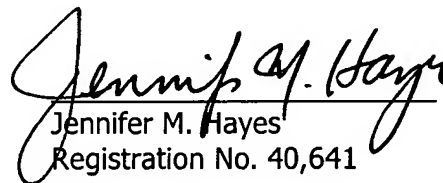
Claims 2-4 have been amended to obviate the rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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